

CITY OF SAN BRUNO



567 El Camino Real
San Bruno, CA 94066
Voice: (650) 616-7074
Fax: (650) 873-6749
<http://www.ci.sanbruno.ca.us>

STAFF

Tambri Heyden, AICP, *Community Development Director*
Aaron Aknin, AICP, *Planning Manager*
Mark Sullivan, AICP, *Housing and Redevelopment Manager*
Tony Rozzi, *Assistant Planner*
Lisa Costa-Sanders, *Contract Planner*
Cathy Hidalgo, *Recording Secretary*
Pamela Thompson, *City Attorney*

PLANNING

COMMISSIONERS

Sujendra Mishra, *Chair*
Rick Biasotti, *Vice-Chair*
Commissioners:
Mary Lou Johnson
Bob Marshall Jr.
Perry Petersen
Kevin Chase
Joe Sammut

COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING COMMISSION MINUTES

OCTOBER 17, 2006

San Bruno Senior Center
1555 Crystal Springs Blvd.
7:00 P.M. to 10:00 P.M.

CALL TO ORDER at 7:02 pm.

ROLL CALL

	<u>Present</u>	<u>Absent</u>
Chair Mishra	X	
Vice Chair Biasotti	X	
Commissioner Chase	X	
Commissioner Johnson		X
Commissioner Marshall	X	
Commissioner Petersen	X	
Commissioner Sammut	X	

STAFF PRESENT:

Planning Division: Community Development Director: Tambri Heyden
Planning Manager: Aaron Aknin
Assistant Planner: Tony Rozzi
Community Dev. Recording Secretary: Cathy Hidalgo
City Attorney: Pamela Thompson

Pledge of Allegiance: Planning Manager, Aaron Aknin

A. Approval of Minutes – September 19, 2006

Discussion:

Commissioner Petersen: Addressed the formatting and capitalization, requesting the minutes be reviewed and corrected.

Page 37, Condition 140 – Understood that Way C would go to Albright way and Albright would be made a continuous street to South San Francisco. It isn't approved that way. Can this be addressed in this session?

City Attorney Thompson: Responds to clarify your intent and discussion with Commission.

Commissioner Petersen: That it should be continuous between South San Francisco and San Bruno and not be emergency access only, but be a made a usable street.

Commissioner Petersen: To commission, is there anyone on the Planning Commission that disagrees with that?

Commissioner Sammut: Responded that it is going to be an Emergency Access Road. That was the plan all along, to be connected, yet restricted.

Commissioner Petersen: Then Way C would connect to Albright?

Planning Manager Akin: The condition is that Albright and Sherwood connection would be an EVA.

Commissioner Petersen: Responds that his condition was for Public Access from Albright to Sherwood not an EVA only. For the second public access road.

Commissioner Marshall: Commented that he believed that was the condition made.

Chair Mishra: He interrupted the condition not removing the gate

Commissioner Sammut: The condition was not removing the gate.

Commissioner Chase: Doesn't recall removing the gate.

Commissioner Petersen: Responds that the condition was to remove the gate and have access to that road.

City Attorney Thompson: Recommends continuing the approval of the minutes to the next Planning Commission meeting.

Motion to Continue approval of Minutes of SEPTEMBER 19, 2006 Planning Commission meeting to November 21, 2006.

Petersen/Marshall

VOTE: 6-0
AYES: All Commissioners Present
NOES:
ABSTAIN:

B. Communication

E-Packets are available on line at www.sanbruno.ca.gov

The Summerhill Project will be continued to the November City Council Meeting

C. Public Comment

None at this time.

D. Announcement of Conflict of Interest

None

E. Public Hearings

1. 181 Merced Drive

Request for a Minor Modification to allow revisions to a previously approved addition, which continues a 4'-6" side yard setback and encroaches 2'-0" into the required side yard setback and modifies the exterior design of the previously

approved design per Section 12.120.010B of the San Bruno Zoning Ordinance. Mike Youngberg (Applicant/Owner). MM-05-16

Assistant Planner Rozzi entered staff report.

Staff recommends that the Planning Commission approve Minor Modification 05-16 based on suggested revisions and Findings of Fact (1-2) and Conditions of Approval (1-9).

Chair Mishra asked Commission if there were any questions for staff.

Commissioner Petersen: What would the floor plan and elevation look like without the alcove? Would the fireplace be there.

Assistant Planner Rozzi: Yes, the fireplace would be there.

Commissioner Marshall: The fireplace will still encroach into the setback?

Assistant Planner Rozzi: The original plan did not show that alcove. This came through when they applied for building plans.

Planning Manager Akin: Responds that the code allows encroachment for architectural design, for chimneys, etc., but not for floor space.

Commissioner Petersen: The fireplace on drawing A.2.1 is proposed to be there, but the alcove will be a straight wall, correct?

Assistant Planner Rozzi: Responded, correct.

Chair Mishra asked the applicant to address the Commission and introduce the project.

Applicant: Applicant introduced, Mike Youngberg. This is a mid-60's house, it has a small kitchen, to get that larger we shrunk the entry way. Those are the primary changes. The front elevation had to change due to the Fire Department conditions and egress requirements. Wants a larger kitchen, bathroom and a master bedroom.

Commissioner Marshall: Please address the alcove.

Applicant: Intended for book cases, wine racks, and intended for a built in. The reason it continues up, didn't see any reason to have a roof, just wanted to continue to the ease.

Commissioner Marshall: Did we discuss last time?

Applicant: Doesn't recall specifics, but it was discussed.

Commissioner Petersen: Observation. You could probably construct a much shallower alcove and still get the same architectural effect.

Applicant: Thanked commissioner. Good Idea.

Public Comment opened.

Public Comment closed.

Chair Mishra opened up to Commission for discussion.

Motion to Minor Modification 05-16 based on suggested revisions and Findings of Fact (1-2) and Conditions of Approval (1-9).

Commissioner Sammut/Chase

VOTE: 6-0

AYES: All Commissioners Present
NOES:
ABSTAIN:

FINDINGS OF FACT

1. The general appearance of the proposal to continue a non-conforming 4'-6" side yard setback to the rear of the home is in keeping with the character of the neighborhood because the proposal is generally complementary to the surrounding area, which shares similar setbacks and building articulation. In regards to the request for an alcove to encroach into the required 5'-0" side yard setback, staff finds the proposal does not add any significant articulation to the building and would not complement the home or the adjacent properties.
2. The request to continue the existing 4'-6" side setback to the rear should not have a detrimental effect on the adjacent properties given the rear addition will only extend 3'-9" before stepping inwards towards the subject property to meet all required side yard setbacks. The reduced setback for the alcove would be detrimental to the adjacent real property since the proposed addition would rise the entire two stores of the southern elevation and be setback only 3'-0" from the interior side property line. Staff finds the proposed addition would unreasonably encroach into the side yard setback and the required light and air between the subject and adjacent properties.

CONDITIONS OF APPROVAL

Community Development – (650) 616-7074

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Minor Modification 05-016 shall not be valid for any purpose. Minor Modification 05-016 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for Minor Modification 05-016 for the new home shall be built according to plans approved by the Planning Commission on October 17, 2006, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit. The rental of a

room does not qualify as a secondary dwelling unit. Any attempt to construct an illegal dwelling unit will result in Code Enforcement action by the City.

7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. The residence must have the ability to park the required number of vehicles in the designated garage area. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. The interior side elevation (south) shall be redesigned to remove the proposed alcove and maintain the existing 4'-6" interior side yard setback. Any additional revision to that elevation otherwise may require review by the Architectural Review Committee at a future public hearing.
9. All conditions of approval for UP-03-43 shall remain in full force and effect. (Included in Exhibit D)

Chair Mishra advised of a 10-day appeal period.

2. 436 N. San Anselmo Avenue

Request for a Use Permit to allow the construction of an addition that exceeds the .55 floor area ratio guideline by 19 square feet per Section 12.200.030.B.2 of the San Bruno Zoning Ordinance. Richard M. Caponuevo, Romoco Design Group (Applicant), Ismael Balderas (Owner). UP-06-024

Chair Mishra Excused himself due to Conflict of Interest.

Assistant Planner Rozzi entered staff report.

Staff recommends that the Planning Commission approve Use Permit 06-024 based on the Findings of Fact (1-6), subject to Conditions of Approval (1-19).

Vice Chair Biasotti asked Commission if there were any questions for staff.

Commissioner Marshall: Are there elevations for the garage?

Assistant Planner Rozzi: Responded, Don't believe so.

Planning Manager Akin: To Commission, you can approve and staff can condition to make sure it is designed to staffs likes

Commissioner Petersen: There is a roof plan so you can get a good idea.

Vice Chair Biasotti asked the applicant to address the Commission and introduce the project.

Applicant: Applicant introduced, Richard Caponuevo, Designer. This is a project to give comfort to the members of the house and also to upgrade the front side and every part of the house to make it comfortable. The addition is practically the 2nd floor. They will have a pitched gable roof for the garage; it will all match the house.

Public Comment opened.

Public Comment closed.

Vice Chair Biasotti opened up to Commission for discussion.

Motion to approve Use Permit 06-024 based on the Findings of Fact (1-6), subject to Conditions of Approval (1-19), 20 concerning garage

Commissioner Sammut/Chase

VOTE: 5-0
AYES: All Commissioners Present
NOES:
ABSTAIN:

FINDINGS OF FACT

1. The proposed development will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use as the new addition will require the applicant to obtain a building permit that complies with the Uniform Building Code and, required set backs are met.
2. The proposed development will not be injurious to the neighborhood or to the City as a whole as it generally complements the current neighborhood design, both in scale and with its architectural features and is consistent with other homes found in the neighborhood.
3. The proposed development will be consistent with the general plan, since the proposed development meets the general plan designation of low-density residential for the subject property. Any establishment of a second dwelling unit on the property would require Planning Division review and approval.
4. The proposed development, as set forth on the plans, will not unreasonably restrict or interfere with light and air on the property or other property in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof; and is consistent with the design and scale of the neighborhood, since the structure maintains larger side setbacks than the minimum required by code.
5. The general appearance of the proposed architectural design will be in keeping with the character of the neighborhood, will not be detrimental to the orderly and harmonious development of the city, and will not impair the desirability of investment or occupation in the neighborhood since this addition has been designed with appropriate articulation and fenestrations.
6. The proposed expansion has provided a detached two-car garage which complies with applicable off-street parking standards of the zoning ordinance.

CONDITIONS FOR APPROVAL

Community Development Department – (650) 616-7074

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 06-024 shall not be valid for any purpose. Use Permit 06-024 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.

2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit for an addition shall be built according to plans approved by the Planning Commission on October 17, 2006, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit. The rental of a room does not qualify as a secondary dwelling unit. Any attempt to construct an illegal dwelling unit will result in Code Enforcement action by the City.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. The residence must have the ability to park the required number of vehicles in the designated garage area. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. The proposed addition shall be engineered by a structural engineer. Plans and calculations shall be submitted, stamped and signed by a structural engineer at the time of building permit.

Department of Public Works – (650) 616-7065

9. Install a sanitary sewer lateral clean out at property line per City standards details SS-01.
10. No fence, retaining wall, or other permanent structure to be placed within two feet from back of sidewalk. S.B.M.C. 8.08.010
11. Encroachment Permit from Engineering Department required prior to work. S.B.M.C. 8.16.010
12. Erosion control plan and storm water pollution plan required. Must show existing storm drain inlets and other storm water collection locations protect by silt screens or silt fence. Work shall conform with the current NPDES requirements. S.B.M.C. 12.16.020
13. Storm water from new and existing roof down-spouts, shall be collected and drained to an underground storm water system or through an undersidewalk curb drain to the gutter per City standards detail SI-03. Chapter 11, UPC 1101.1. Fifty percent permitted to drain to landscape allowed.
14. Removal of un-permitted under sidewalk curb drain, bubble-up or other sidewalk drainage required. Replace with City standard under sidewalk curb drain, detail S1-03 Erosion control plan. Illegal driveway approach shall be removed.

15. Planting of one 36-inch box size approved tree or payment of \$540.00 each to the in-lieu replacement tree fund. S.B.M.C. 8.24.060

Fire Department – (650) 616-7096

16. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
17. Provide spark arrestor for chimney.
18. Provide hardwired smoke detectors with battery backup to all bedrooms and hallways.
19. The project must comply with all future Fire Department conditions, as required during the plan check review by the Building and Safety Department.

Vice Chair Biasotti advised of a 10-day appeal period.

3. 1237 Williams Avenue

Request for a Minor Modification and Use Permit to allow the construction of an addition which increases the gross floor area by 71.8% and proposes to extend a 3' side yard setback along the right side property line per Section 12.120.010.A and 12.200.030.B.1 of the San Bruno Zoning Ordinance. Craig and Sharon Leary (Owners/ Applicant) MM-06-008, UP-06-025

Assistant Planner Rozzi entered staff report.

Staff recommends that the Planning Commission approve Minor Modification 06-008 and Use Permit 06-025 based on Findings of Fact (1-6), subject to revisions and Conditions of Approval (1-19).

Chair Mishra asked Commission if there were any questions for staff.

Commissioner Petersen: Finding of Fact #6- attached, not detached.

Assistant Planner Rozzi: Responded, Correct

Chair Mishra asked the applicant to address the Commission and introduce the project.

Applicant: Applicant introduced Craig Leary, Stated that he has read and understands the staff report and is in agreement. Thanks the Planning Commission and Staff for recommending approval. Understands the conditions. Amend the staff report to reflect 2 baths, not 3. Color samples not available.

Chair Mishra Commission if there were any questions for applicant.

Public Comment opened.

Public Comment closed.

Chair Mishra opened up to Commission for discussion.

Commissioner Marshall: On Revision to Condition of Approval 7, challenges the wording.

Planning Manager Akin: The intent is that you do not store anything that prohibits being able to store motor vehicles.

Commissioner Chase: Agrees with Commissioner Marshall.

Planning Manager Akin: We can change wording to reflect that...."not prohibited 2 cars..."

Motion to approve Minor Modification 06-008 and Use Permit 06-025, based on Findings of Fact 1-6, subject to revisions, and Conditions of Approval 1-19 with revisions as stated.

Commissioner Petersen/Marshall

VOTE: 6-0
AYES: All Commissioners Present
NOES:
ABSTAIN:

FINDINGS OF FACT

1. The proposed development will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use as the new addition will require the applicant to obtain a building permit that complies with the Uniform Building Code, and required set backs are met.
2. The proposed development will not be injurious to the neighborhood or to the City as a whole as it generally complements the current neighborhood design, both in scale and with its architectural features and is consistent with other homes found in the neighborhood.
3. The proposed development will be consistent with the general plan, since the proposed development meets the general plan designation of low-density residential for the subject property. Any establishment of a second dwelling unit on the property would require Planning Division review and approval.
4. The proposed development, as set forth on the plans, will not unreasonably restrict or interfere with light and air on the property or other property in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof; and is consistent with the design and scale of the neighborhood.
5. The general appearance of the proposed architectural design with a minor revision to the right side elevation roof line, will be in keeping with the character of the neighborhood, will not be detrimental to the orderly and harmonious development of the city, and will not impair the desirability of investment or occupation in the neighborhood since this new home has been well designed with appropriate articulation and fenestrations
6. The proposed expansion has provided a detached two-car garage which complies with applicable off-street parking standards of the zoning ordinance.

CONDITIONS FOR APPROVAL

Community Development Department – (650) 616-7074

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Minor Modification 06-008 and Use Permit 06-025 shall not be valid for any purpose. Minor Modification 06-008 and Use Permit 06-025 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.

2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Minor Modification and Use Permit for an addition shall be built according to plans approved by the Planning Commission on October 17, 2006, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit. The rental of a room does not qualify as a secondary dwelling unit. Any attempt to construct an illegal dwelling unit will result in Code Enforcement action by the City.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. The residence must have the ability to park the required number of vehicles in the designated garage area. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.

Department of Public Works – (650) 616-7065

8. Install a sanitary sewer lateral clean out at property line per City standards details SS-01.
9. No fence, retaining wall, or other permanent structure to be placed within two feet from back of sidewalk. S.B.M.C. 8.08.010
10. Encroachment Permit from Engineering Department required prior to work. S.B.M.C. 8.16.010
11. Replace all broken or raised concrete in sidewalk or driveway approach as marked. S.B.M.C. 8.12.010. Marking shall take place under Building Review.
12. Storm water from new and existing roof down-spouts, shall be collected and drained to an underground storm water system or through an undersidewalk curb drain to the gutter per City standards detail SI-03. Chapter 11, UPC 1101.1. Fifty percent permitted to drain to landscape allowed.
13. Removal of un-permitted under sidewalk curb drain, bubble-up or other sidewalk drainage required. Replace with City standard under sidewalk curb drain, detail S1-03 Erosion control plan. Illegal driveway approach shall be removed.
14. Remove weeds and grass from sidewalk, curb and gutter. Prune other plantings in the right-of-way. S.B.M.C. 8.24.140/150/180.
15. Planting of one 36-inch box size approved tree or payment of \$540.00 each to the in-lieu replacement tree fund. S.B.M.C. 8.24.060

Fire Department – (650) 616-7096

16. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
17. Provide spark arrestor for chimney.
18. Provide hardwired smoke detectors with battery backup to all bedrooms and hallways.
19. The project must comply with all future Fire Department conditions, as required during the plan check review by the Building and Safety Department.

Chair Mishra advised of a 10-day appeal period.

4. 2061 Willow Way

Request for a Use Permit for a single story addition, which would increase the existing floor area by 67% and where the 2nd story front plane would not be setback five feet further than the front setback of the first story , per Section 12.200.030.B.1 & 12.200.010(B)(2) of the San Bruno Zoning Ordinance. Sergio Galmanez (Applicant) Iris Vasquez (Owner) UP-06-029

Planning Manager Aknin entered staff report.

Staff recommends that the Planning Commission approve Use Permit 06-29 based on the Findings of Fact (1-6), subject to Conditions of Approval (1-16).

Chair Mishra asked Commission if there were any questions for staff.

Vice Chair Biasotti: Asked if the *arch* plans the same?

Planning Manager Aknin: Responded, yes

Chair Mishra asked the applicant to address the Commission and introduce the project.

Applicant: Applicant introduced Iris Vasques. Stated doing an addition to benefit the family. The reason it was delayed was due to a move out of the country. Did know when it was approved. Returned to Country in 2006.

Public Comment opened.

Public Comment closed.

Chair Mishra opened up to Commission for discussion.

Motion to approve Use Permit 06-29 based on the Findings of Fact (1-6), subject to Conditions of Approval (1-16).

Commissioner Petersen/Sammut

VOTE: 6-0
AYES: All Commissioners Present
NOES:
ABSTAIN:

FINDINGS OF FACT

1. The proposed development will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use as the new addition will

require the applicant to obtain a building permit that complies with the Uniform Building Code and, required set backs are met.

2. The proposed development will not be injurious to the neighborhood or to the City as a whole as it generally complements the current neighborhood design, both in scale and with its architectural features and is consistent with other homes found in the neighborhood.
3. The proposed development will be consistent with the general plan, since the proposed development meets the general plan designation of low-density residential for the subject property. Any establishment of a second dwelling unit on the property would require Planning Division review and approval.
4. The proposed development, as set forth on the plans, will not unreasonably restrict or interfere with light and air on the property or other property in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof; and is consistent with the design and scale of the neighborhood, since the structure maintains larger side setbacks than the minimum required by code.
5. The general appearance of the proposed architectural design will be in keeping with the character of the neighborhood, will not be detrimental to the orderly and harmonious development of the city, and will not impair the desirability of investment or occupation in the neighborhood since this addition has been designed with appropriate articulation and fenestrations.
6. The proposed expansion has provided an attached two-car garage which complies with applicable off-street parking standards of the zoning ordinance.

CONDITIONS FOR APPROVAL

Community Development Department – (650) 616-7074

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 06-029 shall not be valid for any purpose. Use Permit 06-029 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit for an addition shall be built according to plans approved by the Planning Commission on October 17, 2006, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.

6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit. The rental of a room does not qualify as a secondary dwelling unit. Any attempt to construct an illegal dwelling unit will result in Code Enforcement action by the City.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. The residence must have the ability to park the required number of vehicles in the designated garage area. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. There shall be no fence within the front setback that measures higher than 3'-0" above grade.

Department of Public Works – (650) 616-7065

9. No fence, retaining wall, or other permanent structure to be placed within 4'-6" from back of sidewalk. S.B.M.C. 8.08.010
10. Install a sanitary sewer lateral clean out at property line per City standards details SS-01.
11. Storm water from new and existing roof down-spouts, shall be collected and drained to an underground storm water system or through an undersidewalk curb drain to the gutter per City standards detail SI-03. Chapter 11, UPC 1101.1. Fifty percent permitted to drain to landscape allowed.
12. Planting of one 36-inch box size approved tree or payment of \$540.00 each to the in-lieu replacement tree fund. S.B.M.C. 8.24.060

Fire Department – (650) 616-7096

13. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
14. Provide spark arrestor for chimney.
15. Provide hardwired smoke detectors with battery backup to all bedrooms and hallways.
16. The project must comply with all future Fire Department conditions, as required during the plan check review by the Building and Safety Department.

Chair Mishra advised of a 10-day appeal period.

5. 373 Taylor Avenue

Request for a Variance to allow left and right side yard setbacks to not meet requirements by more than two feet per Section 12.124.010.B of the San Bruno Zoning Ordinance. Xiao Yun Chen (Owner/ Applicant). V-06-002

Chair Mishra Excused due to Conflict of Interest.

Planning Manager Aknin entered staff report.

Staff recommends that the Planning Commission approve Variance 06-02 based on Findings of Fact (1-3) and Conditions of Approval (1-22).

Vice Chair Biasotti asked Commission if there were any questions for staff.

Commissioner Marshall: Questioned that since it is access for emergency, can they put a fence?

Planning Manager Akin: Responded, yes, there is still a 3' setback, there is enough room for emergency persons to go through.

Vice Chair Biasotti asked the applicant to address the Commission and introduce the project.

Applicant: Applicant introduced, Speaking on behalf of owner, discussed the set backs and the project itself, believes this is the best design for this house and family. They have waited 3 years. Like the plans and look forward to finishing the project.

Public Comment opened.

Public Speaker, Edgar, 363 Taylor, was absent the last 2 hearings, reviewed drawing that shows 26" from his property to their fence line, or is that the property line? There is fence, but there is not an access to get to his property. Should he get a side access?

Planning Manager Akin: explained that 363 has 0' setbacks. This project will improve the situation. Right now he doesn't have access, but this will make it easier.

Public Speaker: The city code is 3', how did come up with 26"?

Planning Manager Akin: Explained that previously was 0" setbacks, this is part of the variance and that is why they came up with 26". Most homes in this area have 0' setbacks.

Public Comment closed.

Vice Chair Biasotti opened up to Commission for discussion.

Motion to approve Variance 06-02 based on Findings of Fact (1-3) and Conditions of Approval (1-22).

Commissioner Sammut/Marshall

VOTE: 5-0
AYES: All Commissioners Present
NOES:
ABSTAIN:

FINDINGS OF FACT

1. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
2. The lot is substantially smaller than the minimum required by the City's Development Code and is uniquely shallow and narrow for the neighborhood, therefore the strict application of the setback requirement will deprive the subject property of privileges enjoyed by other properties in the vicinity.
3. Because redesigning the proposed home's floor plan to meet the required setback would make the use of the lower level bedroom and master suite impractical, the granting of the Variance will not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity.

CONDITIONS FOR APPROVAL

Community Development Department - (650) 616-7074

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Variance 06-002 shall not be valid for any purpose. Variance 06-002 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for Variance 06-002 for the new home shall be built according to plans approved by the Planning Commission on October 17, 2006, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit. The rental of a room does not qualify as a secondary dwelling unit. Any attempt to construct an illegal dwelling unit will result in Code Enforcement action by the City.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. The residence must have the ability to park the required number of vehicles in the designated garage area. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. Applicant shall construct a temporary and permanent property line fence between subject property and 381 Taylor Avenue at applicant's expense. The permanent fence shall be 6'-0" high and be of a high quality wooden material and also have an additional 2'-0" of wooden trellis, if allowed by zoning ordinance at the time of construction. Applicant shall submit a fencing plan to Planning Division staff and property owners at 381 Taylor Avenue for approval prior to Planning Division final inspection.
9. Due to the proximity of proposed construction, Applicant shall remove any construction related debris and clean the adjacent building sides and other applicable area of 363 and 381 Taylor Avenue with a high-pressure water based system prior to Planning Division final inspection. This shall be done to the satisfaction of Planning Division staff in consultation with the property owners at 363 and 381 Taylor Avenue.

Public Works Department – (650) 616-7065

10. No fence, retaining wall, or other permanent structure to be placed within 2'-0" from back of sidewalk. S.B.M.C. 8.08.010

11. Encroachment Permit from Engineering Department required prior to work. S.B.M.C. 8.16.010
12. Install a sanitary sewer lateral clean-out at property line per City standards detail SS-01.
13. Paint address number on face of curb near driveway approach. Black lettering on white background.
14. Replace all broken or raised concrete in sidewalk or driveway approach as marked. S.B.M.C. 8.12.010. Marking shall take place under Building Review.
15. Erosion control plan and storm water pollution plan required. Must show existing storm drain inlets and other storm water collection locations protect by silt screens or silt fence. Work shall conform with the current NPDES requirements. S.B.M.C. 12.16.020
16. Storm water from new and existing roof down-spouts, shall be collected and drained to an underground storm water system or through an undersidewalk curb drain to the gutter per City standards detail SI-03. Chapter 11, UPC 1101.1.
17. Remove weeds and grass from sidewalk, curb and gutter. Prune other plantings in the right-of-way. S.B.M.C. 8.24.140/150/180.
18. Planting of one (1) 36-inch box size approved tree or payment of \$540.00 each to the in-lieu replacement tree fund. S.B.M.C. 8.24.060

Fire Department - (650) 616-7096

19. Provide hardwired smoke detectors with battery backup to all bedrooms and corridors/hallways.
20. Provide NFPA 13D Fire Sprinkler System as per San Bruno Municipal Code Section 11.24.070 Article 1003.2.1, an automatic fire sprinkler system shall be installed in all new occupancies.
21. Provide a water flow alarm using an exterior rated horn/strobe, visible from street. Delay the alarm 45 to 60 seconds.
22. Obtain a Fire Sprinkler Permit.

Vice Chair Biasotti advised of a 10-day appeal period.

6. 401 San Mateo Avenue

Request for a Use Permit to operate an auto repair service in conjunction with the operation of an existing service station per Section 12.96.110 (C 10) of the San Bruno Zoning Ordinance. Stephen Ng (Owner/ Applicant). UP-06-022.

***This item to be continued to a date uncertain.**

Planning Manager Aknin entered staff report.

Staff Recommends CONTINUANCE of Use Permit 06-022.

Motion to CONTINUE Use Permit 06-022

Commissioner Petersen/Sammut

VOTE: 6-0
AYES: All Commissioners Present
NOES:

ABSTAIN:

Chair Mishra advised of a 10-day appeal period.

F. Discussion

1. City Staff Discussion
 - a. Select Nov 16, 06 Architectural Review Committee Members
Biasotti, Mishra, Sammut – will call for others if needed.
2. Planning Commission Discussion
Fence ordinance was approved. Allows 2' Lattice.
Temporary Use Permit, is being revised, hasn't been approved by Council.

Commissioner Chase: Thank Commissioner Petersen for his details and observation and the way he articulates things.

Chair Mishra: If you hear one of the applicants bring up a medical condition of anyone involved in the project, stop them, it is not allowed.

On Item E1-Ibarra, the definition of a 3rd floor might be questionable because the property is on a slope line; we need to check the perimeter.

Planning Manager Akin: Responded, that it meets the requirements.

G. Adjournment

Meeting was adjourned at 8:10 pm

Tambri Heyden

Secretary to the Planning Commission
City of San Bruno

Sujendra Mishra, Chair

Planning Commission
City of San Bruno

NEXT MEETING: November 21, 2006

TH/ch